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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION**

IN RE: **John P. Lawrence**
xxx-xx-5460
Tamera E. Lawrence
xxx-xx-3436
Debtor(s)

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CASE NO **15-11899 SR**
CHAPTER **13**

FIFTH AMENDED 7/18/2016
CHAPTER 13 PLAN

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE OF SAID COURT:

COME NOW, John P. Lawrence and Tamera E. Lawrence, Debtors herein, and propose the following plan under Chapter 13 of the Bankruptcy Code:

1. The debts of DEBTOR(S) duly proved and allowed shall be paid to the holder thereof in accordance with the provisions of Chapter 13 of the Bankruptcy Code and this Plan.
2. The future earnings of DEBTOR(S) are submitted to the supervision and control of this Court, and DEBTOR(S) shall pay to the TRUSTEE a VARIABLE amount each month. Please refer to EXHIBIT "B" for a VARIABLE payment schedule. Payments shall commence on April 17, 2015 and shall continue at the intervals and in the amounts indicated on EXHIBIT "B".
3. From the payments received, the TRUSTEE will make disbursements in the following order:

(a). **Administrative Expenses:** The TRUSTEE shall FIRST pay the expenses as prescribed by the Court, for administration of this plan.

Name of Creditor	Type	Amount	Interest Rate	Monthly Payment	Term	Total Paid
John L. McClain and Associates	Attorney Fees	\$11,000.00	0%	First Funds		\$11,000.00

(b). **Priority Claims:** All Claims entitled to priority under Section 507 of the Bankruptcy Code will be paid as follows:

Name of Creditor	Claim Amount	Amount Entitled To Priority	Interest Rate	Monthly Payment	Term	Total Paid
Internal Revenue Service	\$4,538.85	\$4,538.85	0%	Pro-Rata	15-60	\$4,538.85
PA Department of Revenue	\$1,487.22	\$1,487.22	0%	Pro-Rata	15-60	\$1,487.22

(c). **Secured Claims:** Secured creditors, whose claims are duly and timely filed, approved and allowed will be treated as follows:

- (1). **Valuation of Collateral:** The Creditors listed below have a claim secured by a lien on the collateral shown and the claim of each creditor is secured to the extent of the fair market value of such property. The value of such creditor's interest in such collateral is as set forth hereinbelow and such fair market value set hereinbelow is binding as to each such creditor. Pursuant to the Bankruptcy Code, the Debtor(s) ask the Court to value the collateral shown as indicated below and to determine what portion, if any, of the following claim or claims are secured and what portions are unsecured. The purpose of this plan provision and valuation is to clearly provide that once Debtor(s) have paid such fair market value through the TRUSTEE, the lien of each such secured creditor shall be deemed invalid and, at such time, each creditor shall immediately execute and deliver any and all necessary documents to effectuate release of such lien and delivery of an unencumbered title to the Debtor(s).

Name of Creditor	Collateral Description	Fair Market Value
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* Variable payments are scheduled, please see Pro Forma, if attached.

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Each secured creditor described herein shall retain the lien existing prior to the commencement of the case only to the extent of the value of the collateral and to secure payment of the allowed amount of its claim. In the case of each secured creditor listed in this section, the allowed amount is the fair market value set forth herein. Once the allowed secured amount has been satisfied through the Plan, the creditor's lien will have been satisfied in full and the lien will no longer exist. Upon payment of the secured portion of a creditor's claim, the creditor shall immediately release its lien and deliver clear title to the Debtor(s).

- (2). **Payment of Secured Claims:** Secured creditors, whose claims are duly and timely filed, approved and allowed, will be paid as follows:

Name of Creditor	Amount Claimed	Principal Amt to Be Paid	Interest Rate	Monthly Payment	Term	Total Paid
Collateral	Value of Collat.					
Deutsche Bank/Select Portfolio 422 swamp pike, schwensville	\$36,412.46 \$36,412.46	\$36,412.46	0%	Pro-Rata	15-60	\$36,412.46
M & T Bank c/o Lakeview Loan S 554 Gilbertsville Rd, Gilbertsville	\$66,648.70 \$66,648.70	\$66,648.70	0%	Pro-Rata	15-60	\$66,648.70

- (3). **Void Lien:** The secured creditors listed below hold a non-purchase money, non-possessory security interest on Debtor(s) exempt property. Their lien will be voided pursuant to 11 U.S.C. § 522(f) and their claim treated as unsecured and paid pursuant to paragraph (e) below:

Name of Creditor	Collateral Description	Amount of Claim
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- (d). **Special Class:** The following specially classified claims shall be paid as follows:

Name of Creditor	Claim Amount	Principal Amt. To Be Paid	Interest Rate	Monthly Payment	Term	Total Paid
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- (e). **Unsecured Claims:** Unsecured claims will be paid pro rata by the TRUSTEE after payment of the aforementioned categories, to creditors who have duly and timely filed and proved their claim, with the same having been allowed by the Court, with such payments or dividends to be paid in lieu of the debt and in satisfaction of the debts of such creditors.

- (f). No interest, penalty or additional charge shall be allowed on any account subsequent to the filing of the petition herein, except that interest shall be allowed on claims to fully secured creditors in accordance with 11 U.S.C. § 506(b).

4. DEBTOR(S) shall pay direct the following debts outside the Plan:

Name of Creditor	Collateral Description	Monthly Amount	Balance
Deutsche Bank/Select Portfolio Servicing	422 swamp pike, schwensville	\$796.62	\$227,399.63
E-Processing, LLC et al	412 Swamp Pike, Schwenkville		\$211,393.48
IRS/ Special Procedures	412 Swamp Pike, Schwenkville		\$280,224.98
M & T Bank c/o Lakeview Loan Servicing	554 Gilbertsville Rd, Gilbertsville	\$2,127.94	\$269,558.46
Mont. Co. Tax Claim Bureau @ 9%	412 Swamp Pike, Schwenkville		\$77,441.08
Pennsylvania Department of Revenue	412 Swamp Pike, Schwenkville		\$1,175.29

5. The following secured claims are not dealt with in the DEBTOR(S)' plan, therefore, upon confirmation of the DEBTOR(S)' Chapter 13 Plan, the automatic stay provisions of 11 U.S.C. § 362 will be terminated and annulled with respect to each of the following claims:

Name of Creditor	Collateral Description	Claim	Value	Deficiency
Deutsche Bank/Select Portfolio Servicing	200 N Pearl St, Wenersville, PA	\$607,798.58	\$607,798.00	\$0.58

The automatic stay provisions of 11 U.S.C. Sec. 362 remain in effect as to DEBTOR(S).

The remaining portion of the debt (deficiency), if any, shall be treated as any other general unsecured claim under this plan.

6. All executory contracts of the DEBTOR(S) will be assumed unless specifically rejected herein. The following executory contracts and/or leases are ASSUMED or REJECTED as indicated below:

Name of Creditor	Contract is Assumed/Rejected
Christopher Yangello	Rejected
Jack Dolan, Realtor, ABR	Rejected
Keller Williams Realty Group	Rejected

* Variable payments are scheduled, please see Pro Forma, if attached.

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7. Upon confirmation of this plan, title of the property of the estate shall vest in DEBTOR(S).
8. The Court may, from time to time, during the period of the plan, extend, increase or reduce the amount of any of the installments provided for by the plan, or extend or shorten the time for any such payments where it shall be made to appear, after such hearing, upon such notice as the Court may designate, that the circumstances of DEBTOR(S) so warrant or so require; provided, however, that nothing in this plan shall be construed to prevent the granting of a discharge of DEBTOR(S) as provided in 11 U.S.C. § 1328.
9. **Post-Confirmation Cure or Waiver of Default:**
Any default of the DEBTOR'S post-confirmation plan payments may only be WAIVED by compliance with the provisions of 11 U.S.C. § 1329. Any default of post-confirmation plan payments may only be CURED by permission of the Standing Chapter 13 Trustee and compliance with such conditions as the TRUSTEE may impose.
10. **Post-Petition Claims:**
The DEBTOR(S) will not incur any post-petition consumer debt except after notice to creditors and approval by the Court or the Standing Chapter 13 Trustee. Post-petition claims will be allowed only as specified in 11 U.S.C. § 1305.

Additional Provisions of the Plan

Liquidation of Debtor's Interest in 412 Swamp Pike

As part of this plan, and per court order approving the sale, the Debtors will sell and/or liquidate the Debtor's interest in their real estate located at 412 Swamp Pike, Schwenksville, PA, by or on November 30, 2016, and shall pay all creditors as fully herein described below.

In addition to the above specified plan payments, the debtors agree that the property is to be sold no later than November 30, 2016. If the sale of the property does not occur by the aforementioned date, The Debtors will surrender the property securing the claims in full satisfaction of the claims. Trustee will not make any payment to the Creditor on the claims. Creditor shall retain its lien in the property. The term "Surrendered" shall mean that the debtors will execute a deed in lieu of foreclosure if requested by creditor, shall not oppose creditor's attempt to transfer or obtain possession of the property, will vacate property upon request of creditor, and provide creditor with copies of keys upon request of creditor.

Proceeds of the sale of 412 Swamp Pike, Schwenksville

Proceeds of the sale of 412 Swamp Pike, Schwenksville shall be paid outside the plan directly to the secured creditors in the order of their priority liens pursuant to allowed proof of claims upon the sale of the property:

- 1st lien Montgomery County Tax Claim Bureau Claim No. 3 secured by that property in full;.
- 2nd lien Mortgage Lien E-Processing, LLC et al (Claim No. 8) secured by that property in full.;
- 3rd lien IRS Amended Claim No. 7; and
- 4th lien PADOR Claim No 2.

Any nonexempt value of said property shall be paid to the trustee and applied to undisputed claims, after payment of trustee's fees.

In Regards to the IRS

If a portion of the secured IRS Tax claim is not paid in full after said liquidation of Debtor's real property, if necessary, the debtors will file a modified Chapter 13 plan providing for payment of any remaining secured portion of said claim over the amount of time remaining in the Plan.

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In Regards to Deutsche Bank et al c/o SPS

Deutsche Bank et al c/o SPS Claim No. 9 to be paid nothing under the plan. The Debtors will surrender the property located at 200 N. Pearl St, Wenersville, PA, securing the claim filed by Deutsche c/o Select Portfolio in full satisfaction of the claim. The Trustee will not make any payment to the Creditor on its claim. Creditor shall retain its lien in the property. The term "Surrendered" shall mean that the debtor will execute a deed in lieu of foreclosure if requested by creditor, shall not oppose creditor's attempt to transfer or obtain possession of the property, will vacate property upon request of creditor, and provide creditor with copies of keys upon request of creditor.

In Regards to Santander Consumer USA Inc

Santander Consumer USA Inc to be paid nothing as an unsecured creditor on claim no. 1 since auto was repossessed.

DATED on this the 18th day of July, 2016.

/s/ John P. Lawrence

Debtor: **John P. Lawrence**

John L. McClain and Associates

/s/ Tamera E. Lawrence

Debtor: **Tamera E. Lawrence**

/s/ John L. McClain

John L. McClain

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EXHIBIT "B" - VARIABLE PLAN PAYMENTS

PROPOSED PLAN OF REPAYMENT (VARIABLE PAYMENTS INTO THE PLAN)

<u>Month / Due Date</u>	<u>Payment</u>	<u>Month / Due Date</u>	<u>Payment</u>	<u>Month / Due Date</u>	<u>Payment</u>
1 04/17/2015		21 12/17/2016	\$800.00	41 08/17/2018	\$3,120.00
2 05/17/2015		22 01/17/2017	\$3,120.00	42 09/17/2018	\$3,120.00
3 06/17/2015		23 02/17/2017	\$3,120.00	43 10/17/2018	\$3,120.00
4 07/17/2015		24 03/17/2017	\$3,120.00	44 11/17/2018	\$3,120.00
5 08/17/2015		25 04/17/2017	\$3,120.00	45 12/17/2018	\$3,120.00
6 09/17/2015		26 05/17/2017	\$3,120.00	46 01/17/2019	\$3,120.00
7 10/17/2015		27 06/17/2017	\$3,120.00	47 02/17/2019	\$3,120.00
8 11/17/2015		28 07/17/2017	\$3,120.00	48 03/17/2019	\$3,120.00
9 12/17/2015		29 08/17/2017	\$3,120.00	49 04/17/2019	\$3,120.00
10 01/17/2016		30 09/17/2017	\$3,120.00	50 05/17/2019	\$3,120.00
11 02/17/2016		31 10/17/2017	\$3,120.00	51 06/17/2019	\$3,120.00
12 03/17/2016		32 11/17/2017	\$3,120.00	52 07/17/2019	\$3,120.00
13 04/17/2016		33 12/17/2017	\$3,120.00	53 08/17/2019	\$3,120.00
14 05/17/2016		34 01/17/2018	\$3,120.00	54 09/17/2019	\$3,120.00
15 06/17/2016	\$7,272.00	35 02/17/2018	\$3,120.00	55 10/17/2019	\$3,120.00
16 07/17/2016	\$800.00	36 03/17/2018	\$3,120.00	56 11/17/2019	\$3,120.00
17 08/17/2016	\$800.00	37 04/17/2018	\$3,120.00	57 12/17/2019	\$3,120.00
18 09/17/2016	\$800.00	38 05/17/2018	\$3,120.00	58 01/17/2020	\$3,120.00
19 10/17/2016	\$800.00	39 06/17/2018	\$3,120.00	59 02/17/2020	\$3,120.00
20 11/17/2016	\$800.00	40 07/17/2018	\$3,120.00	60 03/17/2020	\$3,120.00